

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE:**

**C M HEAVY MACHINERY, LLC,**  
  
**Debtor.**

**Case No. 24-80617  
Chapter 11**

**JOINT MOTION FOR SPECIAL SETTING OF THE HEARING  
ON CREDITOR GREAT PLAINS NATIONAL BANK'S MOTION  
TO DISMISS OR, ALTERNATIVELY, TO CONVERT TO CHAPTER 7**

Creditor Great Plains National Bank ("GPNB") and Debtor in Possession C M Heavy Machinery, LLC (the "Debtor") (together, the "Parties"), hereby move the Court, pursuant to Local Rule 9006-1, for a Special Setting of the hearing set for March 12, 2025, at 10:00 a.m. regarding the Motion to Dismiss, or Alternatively, to Convert the Bankruptcy Case to a Chapter 7 Proceeding ("Motion to Dismiss") [Doc. No. 82] filed by GPNB on January 30, 2025. Specifically, the Parties ask the Court for a Special Setting on March 14, 2025, at 10:00 a.m., or an alternative date and time acceptable to the Court, so that the Parties have sufficient time to present evidence to the Court in support of their respective positions.

For this Motion, the Parties respectfully show as follows:

1. The Motion to Dismiss was filed on January 30, 2025. Doc. No. 82. Therein, GPNB asks the Court to dismiss or convert the above captioned bankruptcy case, for cause, pursuant to 11 U.S.C. § 1112(b)(1).
2. On February 13, 2025, the Debtor filed its Opposition to (I) United States Trustee's Motion to Convert Case to Chapter 7; and (II) Creditor Great Plains National Bank's Motion to Dismiss, or Alternatively, to Convert the Bankruptcy Case to a Chapter 7 Proceeding ("Opposition"). See Doc. No. 104.

3. A hearing on the Motion and the Opposition is currently set for March 12, 2025, at 10:00 a.m., alongside other matters in this case and other cases.

4. The Parties are not seeking this continuance for the purpose of delay. Rather, the Parties believe a Special Setting is necessary to provide the respective Parties with time to present evidence in support of the Parties' contentions without interfering with the Court's ability to adjudicate both the Motion and the other matters set for hearing on March 12, 2025.

5. For instance, GPNB and the Debtor each anticipate calling, in support of their respective contentions, three (3) to four (4) witnesses. This will likely result in a full day of witness testimony and the presentation of documentary evidence. As such, the Parties respectfully submit that a special setting is warranted to accommodate the necessary presentation of evidence.

6. The Parties have analyzed their respective schedules and the Court's Interactive Public Calendar to evaluate a date to continue the hearing for a special setting. Based on this information, the Parties' respectfully request a special setting for March 14, 2025, at 10:00 a.m., or at an alternative date and time acceptable to the Court.

WHEREFORE, premises considered, the Parties respectfully ask the Court to enter an Order continuing the hearing regarding the Motion and the Opposition, currently set for March 12, 2025, for a Special Setting on March 14, 2025, or at an alternative date and time acceptable to the Court.

Dated: February 28, 2025.

Respectfully submitted,

/s/Steven W. Soulé

Steven W. Soulé, OBA No. 13781  
Christopher J. Gnaedig, OBA No. 33892  
Connor M. Andreen, OBA No. 35047  
**HALL, ESTILL HARDWICK, GABLE,  
GOLDEN & NELSON, P.C.**  
521 East 2<sup>nd</sup> St., Suite 1200  
Tulsa, OK 74120  
Telephone: (918) 594-0400  
Facsimile: (918) 594-0505  
Email: [ssoule@hallestill.com](mailto:ssoule@hallestill.com)  
Email: [cгнаedig@hallestill.com](mailto:cгнаedig@hallestill.com)  
Email: [candreen@hallestill.com](mailto:candreen@hallestill.com)

-and-

Daniel V. Carsey, OBA No. 21490  
100 North Broadway, Suite 2900  
Oklahoma City, OK 73102  
Telephone: (405) 553-2828  
Facsimile: (405) 553-2855  
Email: [dcarsey@hallestill.com](mailto:dcarsey@hallestill.com)

**ATTORNEYS FOR GREAT PLAINS  
NATIONAL BANK**

**- AND -**

/s/Maurice B. Verstandig, Esq.\*

Maurice B. Verstandig, Esq.  
Christianna A. Cathcart, Esq.  
**THE VERSTANDIG LAW FIRM, LLC**  
9812 Falls Road, Suite #114-160  
Potomac, Maryland 20854  
Telephone: (301) 444-4600  
Email: [mac@mbvesq.com](mailto:mac@mbvesq.com)  
Email: [christianna@dakotabrankruptcy.com](mailto:christianna@dakotabrankruptcy.com)

**ATTORNEYS FOR DEBTOR**

*\*signed by counsel for Great Plains National Bank with permission by counsel for Debtor*

### **CERTIFICATE OF SERVICE**

I certify that on this 28th day of February, 2025, a true and correct copy of the foregoing document was served electronically upon the parties registered to receive electronic notice via this Court's electronic case filing system.

/s/Steven W. Soule

Steven W. Soule